



1 diligence, and (B) the ends of justice served by excluding time outweigh the best interest of the  
2 public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The  
3 Defendant also waived time under which the Court must hold a preliminary hearing, pursuant to  
4 Rule 5.1 of the Federal Rules of Criminal Procedure. On February 25, 2010, the parties  
5 stipulated to exclude time under the Speedy Trial Act until March 18, 2010,  
6 for effective preparation of defense counsel and to allow the defense time to evaluate the  
7 evidence in the case. 18 U.S.C. § 3161(B)(iv). The Defendant again waived time for a  
8 preliminary hearing under Rule 5.1. The Court ordered an exclusion of time until March 18,  
9 2010.

## 10 II. SPEEDY TRIAL ACT

11 At the hearing on March 18, 2010, at the request of the government and with the  
12 agreement of defense counsel, the Court excluded time under the Speedy Trial Act, 18 U.S.C. §  
13 3161, from March 18, 2010 to April 6, 2010, to enable Defendant's newly hired counsel, Joseph  
14 Mastro, time to become admitted to practice in the Northern District of California and time to  
15 meet with his client and review the discovery. The Court found that (A) failure to grant the  
16 requested continuance would unreasonably deny defense counsel reasonable time necessary for  
17 effective preparation, taking into account the exercise of due diligence, and (B) the ends of  
18 justice served by excluding the period from March 18, 2010 to April 6, 2010, outweigh the best  
19 interest of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and  
20 (B)(iv).

## 21 III. PRELIMINARY HEARING

22 At the hearing, Defendant agreed to waive the time under which the Court must hold  
23 preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure.  
24 Defendant's counsel indicated that the Defendant has not discussed with his newly hired counsel  
25 whether to accept the United States' plea offer that may result in Defendant waiving indictment,  
26 and therefore needs additional time beyond the 10 days otherwise provided for in the Rules of  
27 Criminal Procedure to evaluate the offer. Accordingly, the Court found that the Defendant  
28 knowingly and intelligently waived time under 5.1(c) until April 6, 2010.

IV. CONCLUSION

Time is excluded under the Speedy Trial Act between March 18, 2010 to April 6, 2010.  
Time for a preliminary hearing is waived under Rule 5.1 until April 6, 2010.

IT IS SO ORDERED

DATED: March 25, 2010

  
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LAUREL BEELER  
United States Magistrate Judge